

Message

From: Bohan, Suzanne [bohan.suzanne@epa.gov]
Sent: 4/6/2018 6:22:42 PM
To: Szaro, Deb [Szaro.Deb@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Rodrigues, Cecil [rodrigues.cecil@epa.gov]; Heard, Anne [Heard.Anne@epa.gov]; Chu, Ed [Chu.Ed@epa.gov]; Gray, David [gray.david@epa.gov]; Flournoy, Karen [Flournoy.Karen@epa.gov]; Thomas, Deb [thomas.debrah@epa.gov]; Jordan, Deborah [Jordan.Deborah@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]
CC: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: RE: Request for Outreach to States from ECOS-EPA Compliance Assurance Workgroup
Attachments: ECOS-EPA Compliance Assurance.email to states.4 3 2018 (PDT edits).docx

DRAs –

I understand there were questions about whether OECA leadership supported the request by Regions for state information about measures and participation in pilots. Susan, Patrick and Larry are supportive of this outreach. Patrick has offered suggestions (see the red-lined attached document and modified message below) to clarify that this is a mere request, not a directive. If you haven't shared my original email with your states, please use the revised version copied below.

Thank you,

Suzanne

Suzanne J. Bohan

Assistant Regional Administrator/ Office of Enforcement, Compliance and Environmental Justice/ U.S. EPA, Region 8

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State Commissioners:

At its meeting on March 19th, the ECOS-EPA Compliance Assurance Workgroup asked EPA regional offices to solicit voluntary input from their states on two matters: 1) outcome-based compliance assurance measures states are using today as well as those you tried or considered that did not work; and 2) ideas for state pilot projects that you would consider performing to evaluate the effectiveness of innovative, measurable compliance assurance approaches. This information will be used by the ECOS-EPA Workgroup to make recommendations for new EPA outcome-based compliance assurance measures and to test new compliance assurance approaches beyond our traditional single facility assistance, inspection and enforcement tools in achieving environmental outcomes.

Potential pilot projects could be most valuable in specific programs where we think our status quo approaches are not sufficient to identify and remedy noncompliance. Pilot projects could include:

- 1) Program specific opportunities to test the effectiveness of “find and fix” to quickly resolve non-serious noncompliance. Find and Fix refers to when a government inspection detects a non-serious violation and the facility quickly remedies it either during the inspection or documents the remedy shortly thereafter.
- 2) Environmental self-audit initiatives to incentivize regulated entities to voluntarily self-disclose noncompliance with specific environmental requirements in a particular program found through their own environmental audits and return facilities to compliance;

- 3) Enhanced self-monitoring by regulated entities to substitute for less frequent government on-site inspections; and
- 4) New ways to reliably measure the compliance rate in a particular program or sector (EPA is moving forward with a Clean Water Act NPDES compliance rate measure this year and is interested in developing options for another national compliance rate efforts in FY2019).

We would value your input, so please provide your state's feedback to me by Monday, April 30th and I will forward this information to the ECOS-EPA Compliance Assurance Workgroup. If you have specific questions, please contact the Workgroup's performance measures team: Larry Hartig, Commissioner, Alaska Department of Environmental Conservation, at larry.hartig@alaska.gov, or Suzanne Bohan, EPA Region 8 Assistant Regional Administrator for the Office of Enforcement, Compliance, and Environmental Justice, at Bohan.suzanne@epa.gov or 303-312-6925.

Thank you,

/s/

Deputy Regional Administrator